UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,975	02/27/2004	Jean-Marie Gatto	CYBS5858	9438

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EXAMINER
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ART UNIT	PAPER NUMBER
2435	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/789,975	GATTO ET AL.
	Examiner	Art Unit	
	NIRAV PATEL	2435	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 December 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25,82 and 84-90* is/are pending in the application.

   4a) Of the above claim(s) *1-16,82 and 84-90* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *17-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on Dec. 13, 2008.

2. Claims 1-25, 82, 84-90 are pending. Applicant's election without traverse of the elected Group II, claims 17-25, in the reply filed on 12/13/08 is acknowledged. Claims 1-16, 82, 84-90 are drawn to nonelected Groups, thus withdrawn from further consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 17-21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunyakti et al (US Pub. No. 2004/0153658) in view of Yip et al (US Pub. No. 2002/0004901) in view of Fieres et al (US Patent No. 5,841,870) and in view of Lambert et al (US 7,350,204).

<u>As per claim 17</u>, Gunyakti teaches: a method for a network connected gaming system to prevent unauthorized software component of constituent computers of the gaming system from executing, the gaming system including a plurality of gaming machines each having a plurality of executable software component [Fig. 2, paragraph 0026], the

method comprising the step of: producing a separate and unique license for each of the plurality of executable software component subject to receiving license within each gaming machine, each software component subject to receiving license including a unique identifier [Fig. 2, paragraph 0026-0028], code signing each executable software component subject to receiving license with its respective separate and unique license, each respective license being uniquely identified at least by a unique identifier that is uniquely associated with the executable software component [paragraph 0027]; such that identical executable software components in different ones of the plurality of gaming machines of the network connected gaming system are associated with identical identifier and code signed with identical licenses [Fig. 2, paragraph 0026, 0028],

Gunyakti teaches identical executable software components are associated with identical identifier and code signed with identical certificates/licenses as above.

Yip teaches:

producing a separate and unique PKI certificate for each of the plurality of executable software component subject to receive certificate within each gaming machine [Fig. 2, 3, paragraph 0048, 0046]; code signing each executable software component subject to receiving certification with its respective separate and unique PKI certificate, each respective PKI certificate that is uniquely associated with the executable software component [Fig. 2, 3, paragraph 0039, 0040, 0048], such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifier and are code signed with separate and

different PKI certificates and such that no two non-identical executable software component in different gaming machines are code signed with a same PKI certificate [Fig. 3, paragraph 0048, 0051, 0052].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yip with Gunyakti, since one would have been motivated to reduce the complexity of the application as well as the application's cost and likelihood of programming errors [Yip, paragraph 0012-0015].

Fieres teaches:

receiving certification with its respective separate and unique PKI certificate, each software component subject to receiving certificate including a unique identifier [Fig. 2, 7, application certificate with application ID]; each respective PKI certificate being uniquely identified at least by a unique identifier [Fig. 2, 7, application certificate with application ID].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fieres with Gunyakti and Yip, since one would have been motivated to identify the application and establish the trust between the application and the platform/machine [col. 7 lines 54-55].

Gunyakti and Fieres teach the policy for the executable software components to allow execution of the executable software component whose code signed PKI certificate is determined to be authorized [Gunyakti, paragraph 0028, Fieres, Fig. 2, 6, 7].

Lambert teaches: configuring a software restriction policy certificate rule for each of the plurality of executable software components and enforcing each of the software

restriction policy certificate rules to allow execution of only those executable software component whose code signed PKI certificate is determined to be authorized [Fig. 5A, 8, associated text].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Lambert with Gunyakti, Yip and Fieres, since one would have been motivated to improve security framework of computer systems [Lambert, col. 1 line 13-14].

As per claim 18, the rejection of claim 17 is incorporated and Lambert teaches:
configuring software restriction policy rules to prevent execution of unauthorized software component [col. 3 lines 31-34].

As per claim 19, the rejection of claim 17 is incorporated and Lambert teaches:
configuring software restriction policy rules to prevent execution of all not explicitly authorized software component [col. 3 lines 31-34].

As per claim 20, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 21, the rejection of claim 17 is incorporated and Lambert teaches:
the authorized software components are mandated by a regulatory body [Fig. 5A].

As per claim 24, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 25, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

4. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al (US 7,350,204) in view of Gunyakti et al (US Pub. No. 2004/0153658) in view of Yip et al (US Pub. No. 2002/0004901).

As per claim 22, Lambert teaches: configuring a separate and unique certificate software restriction policy certificate rule for each authorized executable software component of each of the constituent computers of the gaming system such that each authorized executable software component in each of the constituent computers of the gaming system must be authorized to run by its associated separate software restriction policy [Fig. 5A, 8, 9, associated text]; configuring a path software restriction policy to prevent unauthorized software component from executing [col. 3 lines 31-34, col. 13 lines 4-52]; configuring a path software restriction policy to prevent non-explicitly authorized software components from executing [col. 3 lines 31-34, col. 13 lines 4-52]; enforcing the certificate software restriction policy configured for each of the code signed authorized executable software components of each of the constituent

computers of the gaming system [Fig. 5A, 8, 9, associated text]; enforcing the path

software restriction policies [Fig. 5A, 8, 9].

Gunyakti teaches: codes signing each authorized software component with a license;

such that identical executable software components in different ones of the plurality of

gaming machines of the network connected gaming system are associated with

identical identifier and code signed with identical licenses [Fig. 2, paragraph 0026-

0028].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Gunyakti with Lambert, since one would have been

motivated to deter the software piracy [Gunyakti, paragraph 0001].

Gunyakti teaches identical executable software components are associated with

identical identifier and code signed with identical certificates/licenses as above.

Yip teaches:

code signing each executable software component subject to receiving certification with

its respective separate and unique PKI certificate, each respective PKI certificate that is

uniquely associated with the executable software component [Fig. 2, 3, paragraph 0039,

0040, 0048], such that non-identical executable software components in different ones

of the plurality of gaming machines are associated with separate and different identifier

and are code signed with separate and different PKI certificates and such that no two

non-identical executable software component in different gaming machines are code

signed with a same PKI certificate [Fig. 3, paragraph 0048, 0051, 0052].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Yip with Lambert and Gunyakti, since one would

have been motivated to reduce the complexity of the application as well as the

application's cost and likelihood of programming errors [Yip, paragraph 0012-0015].

As per claim 23, the rejection of claim 22 is incorporated and Lambert teaches:

the authorized software components are mandated by a regulatory body [Fig. 5A].

Response to Amendment

5. The Request for Continued Examination (RCE) filed on 11/13/08. See new

ground of rejection based on Gunyakti et al (US Pub. No. 2004/0153658), Yip et al (US

Pub. No. 2002/0004901), Fieres et al (US Patent No. 5,841,870) and Lambert et al (US

7,350,204).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Grimes et al (US 2002/0002674) – Digital rights management

Morikawa et al (US 2001/0049787) – SYSTEM AND METHOD FOR DISTRIBUTED

GROUP MANAGEMENT

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIRAV PATEL whose telephone number is (571)272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. P./
Examiner, Art Unit 2435
/Kimyen Vu/
Supervisory Patent Examiner, Art Unit 2435